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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,041	07/31/2003	Michael Czysz	MCZ003	5280

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EXAMINER

LUM VANNUCCI, LEE SIN YEE

ART UNIT

PAPER NUMBER

3611

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/634,041

Applicant(s)

CZYSZ, MICHAEL

Examiner

Lee Lum

Art Unit

3611

11/11

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-9, 11, 12, 14-24 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-24 and 26-28 is/are allowed.
- 6) ☒ Claim(s) 2, 9, 11, 12, 14 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 3-7 and 15-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

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1. An Amendment After Final was filed, and entered on, 11/8/04 in which Claims 1 and 13 were also cancelled.

Upon reconsideration, Examiner has provided new issues of clarity, and maintains previous rejections. She apologizes for the inconvenience.

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

Correction of the following is required: "The fork bottoms extend beyond an outer diameter of the wheel" *as shown in claim 19*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Claim is unclear.

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2, 9, 11, 12, 14 and 18-20 (19 as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Hoose 6017047.

Hoose discloses a suspension for a two-wheeled vehicle/motorcycle comprising  
Frame 60 including steering tube 6,  
Upper 10, and lower 30, triple clamps coupled to the steering tubes,  
Wheel assembly, including wheel 8, and axle (unidentified, inherent),  
Upper fork tube 71/72, and lower fork tubes 1, 2, the latter disposed within the the  
former,

Fork bottoms 41/42 coupling the fork tubes to the axle, and

having a different stiffness (via lower shock absorbers 41/42) in a longitudinal direction of travel of the vehicle than in a lateral direction parallel to the axle, via vertical plates 41c/42c which add more strength and stiffness in the longitudinal direction than that in the lateral direction, as broadly interpreted,

extend beyond an outer diameter of the wheel assembly (as best understood),  
and are longer than inner sliding fork tubes 1b/2b.

5. ALLOWABLE SUBJECT MATTER

- a. Claims 3-8 and 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- b. Claims 21-24 and 26-28 are allowable.

Prior art does not disclose a suspension for a two-wheeled vehicle as provided above, further including, *inter alia*, a tension cable extending through the fork tube, the tube including a fulcrum over which the cable is stretched.

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6. RESPONSE TO REMARKS

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With apologies for the inconvenience, Examiner reiterates her rejections as provided above, employing Hoose. It is noted that Claims 2 and 14 do not provide any structure/means, or any other enabling language, to achieve "the "lower fork tube having a different stiffness in a longitudinal direction than that in a lateral direction", and thereby distinguish this "limitation" from the reference. The emphasized language is merely conclusionary, with no substantiating structure. Therefore, it is reasonable to maintain that Hoose, disclosing the actual recited elements, obviates these claims.

Again, Applicant is asked to note allowable subject matter.

## 7. Communication with USPTO/Examiner

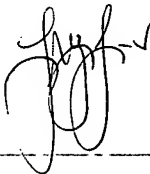
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Lum, 703-305-0232, M-Th, 9-6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris, can be reached at 703 308-0629. Our fax number is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LESLEY D. MORRIS  
SENIOR PATENT EXAMINER  
CENTER 3600

Ms. Lee S. Lum  
Examiner  
11/29/04



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